

**IN THE UNITED STATES DISTRICT COURT FOR  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

\_\_\_\_\_  
MIGUEL A. RODRIGUEZ,  
*on behalf of himself and all others*  
*similarly situated,*

Plaintiffs,

v.

EQUIFAX INFORMATION SERVICES,  
LLC,

Defendant.

Civil Action No. 1:14-cv-01142 (AJT/TRJ)

**PLAINTIFF'S RULE 37 MOTION**

Pursuant to Federal Rule of Civil Procedure 37, Plaintiff moves this Court for sanctions against Defendant Equifax, including the entry of an order that: (1) bars Equifax from asserting any facts or legal arguments that it sends § 1681k(a)(1) notices “at the time” consumer reports are sent to users; (2) bars Equifax from asserting any facts or legal arguments that Plaintiff is atypical of the class and subclasses; (3) bars Equifax from asserting any facts or legal arguments against ascertainability of the class and subclasses; (4) bars Equifax from asserting any facts or legal arguments against willfulness as defined by *Safeco Ins. Co. of Am. v. Burr*, 551 U.S. 47, 127 S. Ct. 2201, 167 L. Ed. 2d 1045 (2007); (5) bars Equifax from using any documents or witnesses that were not disclosed in its Rule 26(a)(1) disclosures or otherwise fairly identified in response to Plaintiff’s interrogatories; and (6) awards Plaintiff his reasonable attorney fees and costs in bringing this motion. In support thereof, Plaintiff submits a contemporaneously filed memorandum of law.

MIGUEL A. RODRIGUEZ *on behalf of  
himself and all others similarly situated*

By: /s/ John C. Bazaz  
Counsel

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Certificate of Service

I hereby certify that on April 13, 2015, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the counsel who appear in the CM/ECF system:

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